

**RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE  
TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 2007-03**

WHEREAS, the existence of the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174; and

WHEREAS, the LPA is statutorily responsible under Chapter 163, Florida Statutes, and the Town of Fort Myers Land Development Code (LDC) Section 34-120 for the review of proposed land development regulations, land development codes, or amendments thereto, and for making recommendations to the Town Council with regard thereto; and

WHEREAS, Section 34-118 of the LDC provides that the LPA may adopt rules for the transaction of its business and amend such rules from time to time upon proper notice to all LPA members; and

WHEREAS, following proper notice as required under the LDC, the LPA conducted a Public Hearing on February 27, 2007, to review the Town of Fort Myers Beach Local Planning Agency Policies and Procedures Manual.

NOW THEREFORE BE IT RESOLVED, AS FOLLOWS:

1. The LPA hereby adopts the LPA Policies and Procedures Manual dated February 27, 2007 as its official rules for transaction of LPA business. The terms and provisions of such Manual shall continue in full force and effect unless amended by the LPA in accordance with the provisions of the LDC.

2. The LPA directs the Town Clerk to publish such Manual on the Town website, and to provide an electronic and paper copy of such Manual to all LPA Members, the LPA attorney, and Town staff.

The foregoing Resolution was adopted by the LPA upon a motion by Rochelle Kay and second by Larry Kiker. Upon being put to a vote, the result was as follows:

Thomas Babcock	<u>AYE</u>	Larry Kiker	<u>AYE</u>
Randy Brown	<u>ABSENT</u>	Alan Mandel	<u>AYE</u>
Rochelle Kay	<u>AYE</u>	Bob Raymond	<u>AYE</u>
		Bob Simon	<u>ABSENT</u>

DULY PASSED AND ADOPTED THIS 27<sup>th</sup> day of February, 2007.

Local Planning Agency of the Town of Fort Myers Beach

By:


  
Thomas Babcock, LPA Chair

Approved as to Legal Sufficiency

ATTEST

  
Michelle D. Mayher, Town Clerk

By:

  
Anne Dalton, LPA Attorney

**Town of Fort Myers Beach Local Planning Agency  
Policies and Procedures Manual**

**Table of Contents**

- 1. Introduction**
- 2. Mission and Job Description**
- 3. Training Materials and First Meeting**
  - Training Materials
  - Election of Officers
  - Sunshine Issues
- 4. Historic Preservation Board**
- 5. Ad Hoc Committees**
- 6. Meeting Preparation and Planning**
  - Meeting Schedule
  - Length of Agenda Items
  - Continued Hearings and Legislative Issues
  - Meeting Preparation
  - Attendance Policy
- 7. Meeting Procedures**
  - LPA Code of Conduct
  - LPA Code of Ethics
  - Order of Agenda Items
  - Invocation
  - Legislative Hearing Procedures
  - Procedure for Quasi-Judicial Land Use Hearing
  - Voting Conflicts
- 8. Meeting Output**
- 9. LPA's Role in Initiating Legislative Changes to the Land Development Code**

## **1. Introduction**

This Local Planning Agency (LPA) Policies and Procedures Manual is for the purpose of helping the LPA Members in the discharge of their duties. Experience may show that some of these policies and procedures need to be modified or eliminated and new ones adopted.

By adopting this manual, members of the LPA will find in one handy reference, answers to policy and procedure questions that come up from time to time. By having an agreed-upon guide, members of the LPA also may develop common expectations on proper conduct of LPA meetings, dealings with the public, and the way it interacts with Town staff.

This manual should be used in conjunction with the Town Charter, Comprehensive Plan, Land Development Code (LDC) and other applicable laws, as necessary.

## **2. Local Planning Agency Mission and Job Description**

**Mission:** To further the welfare of the citizens of the Town by helping to promote a better, more helpful, convenient, efficient, healthy, safe community and attractive environment. To insure by strategic planning that the unique and natural characteristics of the island are preserved.

**Functions, Powers and Duties:**

- Review and interpret the Comprehensive Plan and conduct public hearings as may be needed in order to make recommendations to Town Council.
- Review and interpret the Land Development Code and conduct public hearings as may be needed in order to make recommendations to Town Council.
- In an advisory capacity to the Town Council, conduct hearings and make recommendations regarding zoning matters.
- Review the Capital Improvement Budget for consistency with the Comprehensive Plan.
- Serve as the Historic Preservation Board for the Town.
- Establish committees as needed.
- Elect a chair and vice chair for the LPA.
- Elect a chair and vice chair for the Historic Preservation Board
- Perform any other duties that lawfully may be assigned to it by the Town Council and/or Town Manager.

**LPA Member Requirements:**

- Be a resident or property owner in the Town of Fort Myers Beach
- File a Statement of Financial Interests (Form 1) with the Lee County Supervisor of Elections.

**Desired LPA Member Qualities:**

- Analytical – ability to research and analyze information and data
- Decisive
- Knowledgeable – Such as, the Town Charter, Comprehensive Plan, Land Development Code, Sunshine Laws, Parliamentary Procedure
- Communication – Listening, Speaking, Writing

- Proactive – identify and seek solutions
- Ethical - open, sincere and truthful
- Ability to work in a team environment
- Ability to work with and listen to people having diverse interests
- Fair with no strong allegiance to any individual or group
- Common sense
- Time to do the job effectively

### **3. Training Materials and First Meeting**

#### **Training Materials**

Each new member of the Local Planning Agency will be provided copies of:

- Town Charter
- Comprehensive Plan
- Land Development Code
- Florida Code of Ethics
- Florida Sunshine Laws
- Policy and Procedures Manual
- Other materials as determined by the LPA Attorney, Community Development Director and LPA members

#### **Election of Officers**

Annually, at the first meeting of the Local Planning Agency a chair and vice chair will be chosen. Each LPA member may nominate a person for each of these positions. A second is not required. A vote is taken in the order that a candidate was nominated. The positions are filled by a majority vote. If a majority is not received on the first ballot, a second ballot is taken for the two candidates receiving the most votes from the first ballot.

#### **Sunshine Issues**

Members of Town advisory committees, boards, and agencies are subject to the Sunshine Law (F.S. 286.011). The same Sunshine rules that apply to Town Council apply to the members of the LPA and other Town advisory committees, boards and agencies.

This means that any gathering of two or more members of the same advisory committee, board or agency must comply with all the Sunshine Law requirements if they participate in any discussion, directly or indirectly, regarding any matter where there is known or could be foreseeable action taken by the committee. Examples of indirect discussions are the use of email to a committee member or communication through a spouse or other go-between.

Advisory committee members cannot engage in discussions with each other (directly or indirectly) at outside meetings such as the Chamber of Commerce or Civic Association regarding

any matter on which it is known or foreseeable that action may be taken, unless the Sunshine requirements are met.

These rules apply equally to any gathering, formal or casual, such as a Rotary Club (or other business or fraternal club gathering), fund-raiser, etc. They also apply to social events and functions unconnected to the advisory committee, such as a neighbor's backyard barbeque. They also apply to casual discussions between or among members coming in the door for the committee meeting, at breaks during the meeting, and going out the door after the meeting. Every component of the decision-making process must occur in the Sunshine.

The penalties for violating the Sunshine law are severe and can include criminal and civil sanctions. The process of investigation of Sunshine violations is always unpleasant, embarrassing, and expensive, even if the person is ultimately cleared.

#### **4. Historic Preservation Board**

The LPA also functions as the Historic Preservation Board (HPB) for the Town of Fort Myers Beach. The Historic Preservation Board has the power, authority, and jurisdiction to designate, regulate, and administer historical, cultural, archaeological, and architectural resources in the Town as set forth in LDC section 22-74.

A committee comprised of an approximately equal number of LPA members and Estero Island Historic Society members is established. The current recommendation is to have the committee comprised of a total of six members selected by the HPB. The committee will meet as needed to discuss and make recommendations to be brought before the Historic Preservation Board for consideration. Recommendations will be consistent with the requirements of the Comprehensive Plan and Land Development Code.

At the first annual meeting of the LPA, the Historic Preservation Board will be convened to select a chair, vice chair and representatives for the Historic Preservation Committee. Members of the Estero Island Historic Society interested in being on the Historic Preservation Committee must submit a statement of interest to the Town Clerk prior to the first annual meeting of the LPA.

#### **5. Ad Hoc Committees**

The LPA has the authority to form other ad hoc committees requesting participation by volunteers. The objectives of a committee, expected products, membership and timelines should be clearly stated and agreed to by the LPA before forwarding to the Town Manager for discussion and implementation. One LPA member will be asked to chair the ad hoc committee. The Town Manager may choose to assign a Staff member to participate, but the intent would be to minimize participation and action items directed at Staff.

## **6. Meeting Preparation and Planning**

### **Meeting Schedule**

Regularly planned meetings of the Local Planning Agency (LPA) are normally scheduled for the first and second (if necessary) Tuesdays of each month at 12:00 PM. Special, continued or rescheduled meetings will be determined by consensus on the LPA members, the Director of the Department of Community Development and the LPA attorney.

Section 34-118 of the Land Development Code (LDC) states: "The local planning agency shall meet at least 8 times per year and shall meet no less often than bimonthly..." This statement was included in the LDC to emphasize that the LPA should meet regularly to conduct required Town business.

### **Length of Agenda Items**

In order to set reasonable LPA agendas, the Community Development Director will use best efforts to establish the time needed for presentations, public comment and subsequent discussions of agenda items by the LPA. Any person submitting Administrative topics to the Town clerk will provide an estimate of the time needed. If the time needed for a hearing, legislative matter or administrative topic exceeds the allotted time by more than 15 minutes, the Chair may table the item until later in the meeting or continue the item until a subsequent meeting.

### **Continued Hearings and Legislative Issues**

It is the goal of the LPA to complete a hearing during the scheduled meeting. If additional time is required and the hearing must be continued to a later date, any LPA member who missed the initial hearing should review the audio and/or videotapes prior to participating in the continued hearing or legislative discussion and resolution.

### **Meeting Preparation**

Any LPA member, the Community Development Director, the LPA attorney, Town Council and Town Manager can submit meeting agenda topics to the Town Clerk. Topics should be submitted at least ten (10) days prior to a planned meeting. The Director of the Department of Community Development and LPA attorney are responsible for scheduling hearings. Potential dates for hearings should be communicated to all participating parties as far in advance of the planned meeting as possible. All staff reports should be complete before a hearing is scheduled. Except in the case of an emergency, cancellation of a planned meeting should be at least 14 days in advance. Only under serious, extenuating circumstances should a hearing be cancelled after it has been publicly noticed.

The goal is to have finalized agenda and supporting material seven (7) days prior to a planned and noticed meeting. However, meeting materials will be placed in the LPA members' mailboxes and delivered to the Fort Myers Beach Public Library no later than noon of the Friday prior to the scheduled Tuesday meeting. The Town Clerk will send an email to the LPA members when the packets are available.

The LPA members' packets should include complete documentation for agenda items (actions required, implications, backup information, memos, ordinances, resolutions, etc.) A sincere effort is made to see that LPA packets are complete. As a general rule, items requiring documentation (recommendations, memos, ordinances, resolutions, etc.) will not be included on an agenda until the documentation is complete.

The agenda is posted at Town Hall and at the Fort Myers Beach Public Library. Copies of the agenda are available to the public.

Occasionally an item comes up late and may be placed on an amended agenda, or as an "add on" (added too late to be included on the published agenda). Such additions are kept to an absolute minimum so as not to burden the LPA or the public with items not receiving sufficient advance notice. Important, potentially controversial items are not made as "add on items" except in extreme emergencies.

### **Attendance Policy**

Section 34-115 of the Land Development Code (LDC) states: "A Local Planning Agency member shall forfeit office if the member: (3) is absent from three regular local planning agency meetings per year without being excused by the local planning agency." This statement was included in the LDC to recognize that because of the significant pre-hearing preparation required by staff, applicants and other supporting personnel it is imperative that a quorum of the Local Planning Agency (LPA) members be present for all noticed meetings.

The Town Clerk should be notified of a planned absence as soon as known. The Town Clerk will notify the Community Development Director, LPA Attorney and LPA Chair. It is important that the LPA know that it will have a quorum of its members prior to notification of a meeting/hearing. Florida Statutes require notice of a public hearing at least seven (7) days before a scheduled meeting. The LDC implies that the LPA has the discretion to define what will be an "excused" absence. The policy of the LPA is that if an absence is reported at least fourteen (14) days prior to a planned meeting the absence will automatically be considered an excused absence. This will allow sufficient time for a planned meeting to be rescheduled if it appears that a quorum will be questionable.

Absence notification less than 14 days prior to a planned meeting is considered an "emergency." If an excused absence is desired in less than 14 days, a request must be forwarded to the Town Clerk with an explanation of the nature of the emergency. The Local Planning Agency will decide whether the request will be considered an excused absence. If the Town Clerk receives no request for an excused absence, the absence is counted as an unexcused absence.

Three unexcused absences for regularly scheduled LPA meetings will result in automatic forfeiture of office.

“Chronic” absence is defined as missing three consecutive regularly scheduled meetings or four of the last six meetings of the LPA, regardless of whether the absence is excused or unexcused. If a chronic absence occurs, the Town Clerk will be asked to send a letter to the LPA member requesting an explanation of the reasons for the chronic absence. A copy of the letter will be sent to the Town Manager and Town Council. The LPA member will be asked to forward to the Town Clerk a statement of whether the LPA member wishes to remain on the LPA. Failure to reply will automatically make all absences unexcused and grounds for forfeiture of office.

In order to provide a diverse representation, it is important that the LPA strive to have as full representation as possible when conducting the Town’s business.

## **7. Meeting Procedures**

### **LPA Code of Conduct**

Recognizing that persons holding a position of public trust are under constant observation, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Local Planning Agency pledges to adhere to the following CODE OF CONDUCT.

1. Regularly attend all scheduled meetings of the LPA as well as special or called meetings relevant to the office.
2. Prepare for each meeting.
3. Create a positive environment in meetings of the LPA.
4. Maintain an attitude of courtesy and consideration toward colleagues, citizens and staff during all discussions and deliberations.
5. Allow citizens, colleagues and staff sufficient opportunity to present their views, within the prescribed rules for conduct of meeting of the LPA.
6. Avoid the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens of staff.
7. Avoid comments, body language or distracting activity that conveys a message of disrespect and lack of interest.
8. Respect all local, state and federal laws, rules and other regulations.
9. Submit completed financial disclosure forms to the Lee County Supervisor of Elections by the specified deadline.
10. Publicly acknowledge the adopted position when asked about a decision of the LPA.

### **LPA Code of Ethics**

Members shall ethically serve the public interest by making decisions and taking actions that will enhance the public health, safety and welfare of the region and the citizens served by the Local

Planning Agency and by promoting public confidence in the integrity, independence, ability and impartiality of the LPA.

1. Members shall uphold the prestige of their office and avoid impropriety and the appearance of impropriety.
2. Members shall not convey the impression that they are in a position to influence the outcome of a decision of the LPA and shall not attempt to use their office to influence or sway the professional staff recommendation.
3. Members shall discharge their duties and responsibilities without favor or prejudice toward any person or group. Members shall not allow personal or business relationships to impact upon their conduct or decisions in connection with LPA business and shall not lend their influence towards the advancement of personal interests or towards the advancement of the interests of friends or business associates.
4. Members shall avoid creating the appearance of impropriety by refraining from engaging in private discussions with the applicant or their representatives about specific upcoming LPA agenda items. If a Member receives a private written, telephonic or electronic communication about an agenda item, the Member will promptly forward the information to the Town Clerk so that it may be shared with all other Members. Members shall refrain from any private discussion of LPA business with other Members per the requirements of Florida's Government-in-the-Sunshine Law, Chapter 286, Florida Statutes.
5. Members shall not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such thing is given with the understanding or possibility that it will influence the official action of the Members during LPA proceedings. The same standard shall apply to a gift, loan, favor, etc. for the spouse, child, relative or business partner of the Member.
6. Members should refrain from participation in any proceeding in which their impartiality may reasonably be questioned. A Member whose personal, employment or business relationship with a person or entity that is subject to a recommendation of the LPA shall see the advice and counsel of the LPA Attorney, if such relationship could conceivably influence the Member's impartiality during the LPA's discussion of the subject. The provisions of Chapter 112, Florida Statutes, and the Code of Ethics for Public Officers and Employees, shall govern conflict of interest determination.
7. Members shall remain vigilant against deviations from LPA policies and mission statement.

### **Order of Agenda Items**

The general order of the agenda will proceed as follows. However, the procedures will differ depending on what type of hearings is being held.

1. Call To Order – Identify for the record the committee that is meeting, the date of the meeting and who is present.
2. Pledge of Allegiance
3. Invocation
4. Approval of Minutes – Requires a motion and vote.
5. Public Hearings – Public Comment will be included as part of the hearing
6. Administrative Agenda – Topics submitted by LPA members, staff, LPA Attorney or items from previous agendas

7. Adjourn as LPA; Reconvene as Historic Preservation Board (HPB)
8. Adjourn as HPB; Reconvene as LPA
9. LPA Members Items and Reports
10. LPA Attorney Items
11. Community Development Director Items
12. Public Comment
13. Adjournment – Requires a motion and vote. A privileged motion allowing no discussion before vote.

## **Invocation**

The Chair of the LPA has the discretion of deciding how the Invocation at the beginning of an LPA meeting is handled. However, there is a tradition that has been followed by many LPA's. At the first LPA meeting on April 9, 1996, Chair John Mulholland read an invocation that he had written while Commander of the Power Squadron. Betty Simpson, who was Vice Chair at that time, has carried John's invocation to each subsequent LPA. The Chair has either read the invocation or different LPA members have been asked or volunteered to read the invocation. The invocation reads as follows:

Heavenly Father, we ask that you bless us with your presence here today.  
Grant to us the wisdom to see all things in true perspective.  
Grant to us the patience to hear one another with open minds and hearts.  
Grant us the strength to meet all present challenges.  
May all that we do this day, bring honor to you and credit to ourselves. Amen.

## **Conduct of LPA Meetings**

The Chair will conduct the LPA meetings, and in the Chairs absence by the Vice Chair.

Robert's Rules of Order shall be the reference for parliamentary procedure governing the conduct of the LPA meetings when not in conflict with the Town Charter or Florida Statutes. It is not intended that LPA meetings be unnecessarily formalistic, but rather that parliamentary procedure be invoked only when necessary for orderly conduct of the meeting.

The approval of the minutes is intended for LPA members to accurately document the proceedings of the Agency. Before moving approval the minutes should be amended, if necessary, to more accurately portray what occurred at the LPA meeting. This time is not intended for comment or discussion on what should have or should not have been done, but rather to document what actually was done. Audiotapes of the proceedings become the official record of what transpired during a meeting.

When the Chair recognizes a speaker during public comment, they will advance to the podium and state their name for the public record. Public comments will generally be limited to three minutes per speaker. The Chair may modify the three-minute limit with approval by majority vote of the LPA. If a special interest group would prefer to have one person speak for a group of individuals in attendance their allotted times can be combined up to a maximum of 15 minutes. This process could save meeting time if the content of

what each person of a special interest group intends to say is similar. It could also allow more time for a presentation containing detailed facts and data. If a special interest group chooses to have a spokesperson represent them, request cards having the names and addresses of all individuals present must be provided prior to the meeting. The public comment times are intended as opportunities for interested parties to present their viewpoints to the LPA members; they are not intended as question-and-answer sessions or as dialog with the LPA.

After a proper motion, discussion by the LPA members shall be limited to agenda items. No member will speak twice on the item until all others who want to speak have spoken.

The time period for LPA members' comments is intended as an opportunity for LPA members to share their viewpoints with each other. Since this opportunity does not exist outside of LPA meetings under the Florida Sunshine Law, this is the primary purpose of this time and it generally should not be used to obtain information from the Community Development Director or Town Attorney which could be obtained outside of the LPA meeting. While there is no time limit or censorship on comments, LPA members should take into consideration the total time available in the meeting for the published agenda.

### **Legislative Hearing Procedures**

1. The Chair opens the hearing on.....
2. The Chair or the LPA Attorney reads the ordinance caption.
3. Staff and/or the LPA attorney present(s) a brief overview of the ordinance.
4. Public input is taken.
5. Public input is closed.
6. LPA members ask questions, if any, of staff/LPA attorney.
7. LPA members discuss ordinance, including changes, deletions, etc.
8. A Motion is made and seconded to either move the Ordinance forward to Town Council as-is or with modifications, or to take some other action.
9. The Motion is discussed and voted upon. If successful, the Chair declares the hearing on the ordinance to be concluded. If not successful, further motions(s) are made until one passes.

Notes:

- There is no ex parte disclosure for legislative hearings.
- Members of the public are not sworn in.
- Generally there is no discussion between the LPA and public.

### **Procedure for Quasi-Judicial Land Use Hearing**

1. The Chair opens the hearing on .....
2. The Chair asks if any LPA member has had an ex parte communication regarding this matter. This includes any site visit, receipt of expert opinion, conducting of investigations, discussions with any person, or any direct or indirect communication in any form with any person outside a public hearing and not on the record.
3. The Town Attorney swears in all witnesses.
4. The applicant presents its case and LPA asks questions.
5. Staff presents its case and LPA asks questions.

6. Public comment/testimony is opened.
  - After public testimony/comment is concluded, the Chair closes public comment/testimony.
7. Applicant presents rebuttal, if any.
8. Staff presents rebuttal, if any.
9. The testimony portion of the hearing is closed.
10. LPA discussion.
11. Request for a motion on the resolution.
12. LPA votes on a resolution regarding the application.

## Voting Conflicts

Florida Statute has very specific rules regarding voting conflicts and municipal advisory committees, boards and agencies. These rules are different from the rules that apply to the Council.

In an advisory committee member has a voting conflict, he/she must disclose that conflict in writing to Town staff prior to the meeting in question and this disclosure must be publicly read. A form is available from the Town Clerk. The rules also contain an exception for disclosure at the meeting itself. The committee member is permitted to participate in the discussion and vote on the subject. The specific rules are set out in F.S. 112.3145(4), quoted below:

(4) No **appointed** public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, **without first disclosing the nature of his or her interest in the matter.**

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, **prior to** the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally **at the meeting** when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become public record upon filing, shall immediately be provided to the other

members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term “participate” means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer’s direction.

NOTE: F.S. 112.3143(b) defines “relative” as follows: “any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

## **8. LPA Meeting Output**

The primary responsibility of the LPA is to provide recommendations to the Town Council regarding comprehensive planning policies, land development code regulations, zoning matters and make decisions regarding historic preservation opportunities. LPA recommendations should be forwarded to the Council as soon as possible following completion of an LPA hearing. A key performance measure for the LPA will be hearing recommendation turn-around time. In the case of a “fast-tracked” issue requiring hearings by the LPA and Town Council, the LPA’s goal will be to provide their output within seven (7) days from the completion of the LPA hearing.

LPA output to the Town Council will include the following at the discretion of the LPA:

**A. Quasi-Judicial Hearing:**

1. A signed resolution of findings of fact and conclusions from the LPA hearing.
2. LPA approved minutes providing a summary of:
  - a. Testimony by applicants, their attorneys, Town and/or County staff, the LPA attorney, witnesses and people who offer public comment, and
  - b. Issues raised by LPA members with subsequent discussion content including clarifications, conclusions and agreements, and
  - c. Motions and votes by LPA.
3. A cassette tape of all that was said at the LPA hearing. A videotape of the proceedings may also be available.

**B. Legislative Hearing:**

1. A signed resolution of findings of fact and conclusions from the LPA hearing.
2. A cassette tape of all that was said at the LPA hearing. A videotape of the proceedings may also be available.

These LPA outputs must be available before the first Town Council hearing on an issue. However, at the discretion of the LPA exceptions may be made in emergency situations.

## **9. LPA's Role in Initiating Legislative Changes to the Land Development Code**

In the course of performing its duties, the LPA is made aware of legislative issues that could be considered as amendments to the Land Development Code. Before initiating a request for support from Town Staff, the LPA attorney and/or our Planning Consultant to pursue potential LDC amendments, a resolution will be sent to Council requesting their approval to proceed. The format to be used is as follows and can be modified without re-approving the Policies and Procedure Manual.

### **RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF FORT MYERS BEACH, FLORIDA RESOLUTION NUMBER 20\_\_ - \_\_**

WHEREAS, the Local Planning Agency (LPA) is mandated by Florida Statutes Section 163.3174; and

WHEREAS, the LPA is statutorily responsible for the review of proposed land development regulations, land development codes, or amendments thereto, and for making recommendations to the Town Council as to the consistency of such proposals with the adopted Comprehensive Plan (Plan); and

WHEREAS, Section 34-120(4) of the Town Land Development Code (LDC) states that the LPA will review proposed LDC amendments and make recommendations to the Town Council regarding their consistency with the Plan, and

WHEREAS, Section 34-120 (12) of the LDC states that the LPA will aid Town officials charged with the direction of projects or improvements embraced within the Plan and generally promote the realization of the Plan; and

WHEREAS, Section 34-120 (14) of the LDC states that the LPA will perform any other duties which lawfully may be assigned to it by Town Council; and

WHEREAS, the Town Council determined at its meeting of October 9, 2006, that prior to the LPA's initiation of any proposed LDC changes, the LPA must inquire of the Town Council whether the Town Council wished to have such legislative changes initiated by the LPA.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

1. At its regularly scheduled meeting(s) of \_\_\_\_\_, 20\_\_, the LPA determined that it wishes to initiate legislation on the following subject(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

2. The LPA hereby requests direction from the Town Council as to whether the Town Council wishes to have the LPA initiate legislative changes to the LDC on such subjects.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member \_\_\_\_\_ and seconded by LPA Member \_\_\_\_\_, and upon being put to a vote, the result was as follows:

Name \_\_\_\_\_  
Name \_\_\_\_\_  
Name \_\_\_\_\_  
Name \_\_\_\_\_

Name \_\_\_\_\_  
Name \_\_\_\_\_  
Name \_\_\_\_\_

DULY PASSED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

LPA of the Town of Fort Myers Beach

By: \_\_\_\_\_  
Name, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: \_\_\_\_\_  
Name, Esquire, LPA Attorney

By: \_\_\_\_\_  
Name, Town Clerk

The Town of Fort Myers Beach Local Planning Agency Policies and Procedures Manual was adopted on February 27, 2007.

